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PATENT  
Application No. 09/878,405  
Attorney Docket No. 05999.0091-00  
Customer No.: 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marco NAHMIAS NANNI et al.

Application No.: 09/878,405

Filed: June 12, 2001

For: PROCESS FOR PRODUCING TYRES, TYRES  
THUS OBTAINED AND ELASTOMERIC  
COMPOSITIONS USED THEREIN

Group Art Unit: 1713

Examiner: P. Mulcahy

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

In the Office Action mailed July 16, 2003, the Examiner has required election of a single species of "reactive donor." The election requirement, as set forth on page 2 of the Office Action, is respectfully traversed because Applicants do not believe that it would be an undue burden to examine all claimed species of "reactive donors." In fact, the Examiner has not shown that any burden exists to examine all of the encompassed species. In fact, the Examiner has failed even to suggest that any burden exists.

However, in order to be fully responsive to the election of species requirement, Applicants elect, with traverse, silica. Claims 55-77, 79, and 81-108 read on the elected species. Applicants note that the term "reactive donor" is found neither in the claims nor in the specification as filed. Accordingly Applicants are

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presuming that the Examiner regards the claimed active fillers as "reactive donors."

If Applicants are in error with their presumption, the Examiner is respectfully requested to alert the undersigned (202/408-4275) and issue a new election of species requirement.

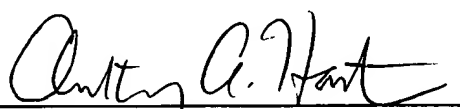
As discussed above, Applicants traverse the election of species requirement on the grounds that the Examiner has not shown that there would be a serious burden to examine all of the claimed species of active fillers. Accordingly, Applicants respectfully request that the full scope of the claimed invention be examined in this application. If the Examiner chooses to maintain the election requirement, however, and the elected species is found to be allowable, Applicants expect the Examiner to continue to examine the full scope of the claimed subject matter to the extent necessary to determine the patentability thereof, *i.e.*, extending the search to the non-elected species, as is the duty of the Examiner according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, he is invited to call the undersigned.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Anthony A. Hartmann  
Reg. No. 43,662

Dated: August 15, 2003